

REMARKS

I. INTRODUCTION

The Specification has been amended. No new matter has been added. Claims 17-20 have been cancelled. Thus, claims 1-16 remain pending in this application. It is respectfully submitted that based on the following remarks, all of the presently pending claims are in condition for allowance.

II. THE SPECIFICATION OBJECTIONS SHOULD BE WITHDRAWN

The Examiner objection to the Specification based on several informalities. (See 03/03/08 Office Action, p. 3). Based on the above amendments to the Specification, it is respectfully submitted that the Specification objections should be withdrawn.

III. THE 35 U.S.C. § 102(b)/103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 9-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by "Integrated Data-casting Solutions for Digital TV" by Motorola (hereinafter "Motorola") or 103(a) as unpatentable over Motorola in view of U.S. Patent No. 5,898,687 to Harriman et al. (hereinafter "Harriman"). (See 03/03/08 Office Action, p. 3).

Motorola describes a datacasting network, which makes broadcasts, or selected portions of broadcasts, available to computer users conditionally on the basis of subscriptions, demographics, or user inquiry. (See Motorola, p. 4). According to the Motorola reference, information is received and stored by a base station. Information is then branded as to its type, e.g., news, finance, sports, or technology. Selected portions of the data contained in the base station are then broadcast to the user's PC. Datacasting files stored in the PC hard drive can be manipulated from PC workstations to integrate the data into templates carrying a local station brand to identify it with a community or with a sponsor. (See Motorola p. 6, par. 4). Motorola

further discloses an entitlement control process by which subscription programs are accessible to subscribers if certain conditional access criteria are met. (See Motorola p. 8, par. 2). The criteria divide the datacast into individually access-controlled data segments that can be used to provide different levels of service to the subscribers (i.e., basic data services are free, but a data service augmented with real time streaming video is offered at a premium). (See Motorola p. 8, par. 2). Once a service level is assigned to the datacast segment (i.e., a data flag), the subsequent encryption of that segment forces the subscriber to have the proper authorization to receive the service. (See Motorola p. 8, par. 2).

Claim 9 recites, “comparing at the local broadcast facility a first content parameter associated with a first one of the datacast blocks with at least one subscriber-specific parameter associated with a first one of the data storage apparatuses.” The Examiner asserts that the above recitation of claim 9 is taught by Motorola on pages 4, 6, 7 and 8. (See 03/03/08 Office Action p. 4). Applicant respectfully disagrees.

In comparing Motorola to the above recitation of claim 9 the Examiner mistakenly equates the functions of Motorola, on pages 4, 6, 7 and 8, to the functions of claim 9. Motorola, on page 4, refers only to datacasting. As one skilled in the art understands datacasting refers only to the one-way broadcasting of information, it does not refer to any comparison of data. Motorola, on page 6, states, “Most of the content is cached on a server where it can be branded and scheduled for broadcast.” Motorola, however, is silent as to the determination of what content is cached on the server. It states only that most of the content is cached on the server; it does not make any reference as to what happens to the rest of the content. Furthermore, the branding refers only to identifying the content of the information and placing a label on it. There is no comparison of the content to any subscriber-specific parameters. In contrast, claim 9 specifically recites, “***comparing at the local broadcast facility*** a first content parameter associated with a first one of the datacast blocks ***with at least one subscriber-specific parameter.***”

Motorola, on pages 7 and 8, refer to the conditional access of the stored data. This comparison, however, is done with the content already stored in the cache at the local broadcast

facility. As the Examiner quotes, “portions of the data-casts are tailored to the interests of separate groups with the station service area, and uni-casting...targeting to a specific user.” (See 03/03/08 Office Action p. 4). This tailoring is done after the content has been stored on the local cache. Once the content has been stored it can then be compared to the conditional access parameters and sent out accordingly. However, the comparison must be done after the storage has taken place since data is tailored to many different users. The Examiner states that, ““targeting advertising is an obvious example of these features’, therefore to target comparing is done to determine what to transmit based on any demographic, purchase history, stated preferences.” (See 03/03/08 Office Action p. 4). This comparison, however, as admitted by the Examiner takes place to determine what content to broadcast not what content to store. In contrast, the comparison in claim 9 takes place prior to any data being stored at the local broadcast facility. Claim 9 states, “in response to a determination that the first content parameter matches the at least on subscriber-specific parameter, storing the first datacast block in a storage medium associated with the first data storage apparatus.” The fact that a comparison is done, even though it takes place at a different time, is not evidence that Motorola teaches claim 9.

Claim 9 recites, “in response to a determination that the first content parameter matches the at least on subscriber-specific parameter, storing the first datacast block in a storage medium associated with the first data storage apparatus.” The Examiner asserts that the above recitation of claim 9 is taught by Motorola on page 11. (See 03/03/08 Office Action p. 4). Applicant respectfully disagrees.

Motorola, on page 11, refers to a user profile. This is a profile, stored on the individual user’s computer, which determines what content the end user wants to store at the user’s location. In contrast, the conditional storage of claim 1 is done *at the local broadcast facility* where information received by the local broadcast facility is conditionally stored and then transmitted. As recited in claim 9, “transmitting at the local broadcast facility said first data cast in accordance with said first content parameter.” There is no transmitting done by the end user in Motorola. The Examiner, again, mistakenly equates the fact that a function is performed, even though it is done on different data at a different time in a different location, as being the same. This is incorrect. An exemplary result of conditionally storing information at the local broadcast

facility as recited in claim 9 is a decrease in the required bandwidth of information sent out by the local broadcast facility. In contrast, by conditionally storing the information at the end user based on his or her profile as in Motorola, results in less storage space being required by the end user.

Therefore, Applicant respectfully submits that Motorola does not teach or suggest the above recitations of claim 9. Thus, Applicant submits that claim 9 is patentable over Motorola. Applicant further submits that Harriman does not cure the above-described deficiencies of Motorola, as Harriman makes no mention of comparing incoming data to subscriber-specific information and conditionally storing the information if there is a match. Therefore, Applicant respectfully submits that claim 9 is patentable over the combination of Motorola and Harriman. Because claims 10-16 depend from, and therefore include all the limitations of claim 9, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 9.

IV. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Motorola in view of Harriman in further view of U.S. Patent Publication No. 2004/0236865 to Ullman et al. (hereinafter "Ullman"). (See 03/03/08 Office Action, p. 8). Motorola and Harriman were discussed above.

Ullman describes a computer-based system for receiving URL's to be entered and for the Web pages to be synchronized for display on a television screen. (See Ullman, pp. 2-3, par. [0027]). The system of Ullman enables personalization in the form of URLs specific to each user's unique profile stored in the database 78. (See Ullman, p. 4, par. [0041]). The personalized URLs are uniquely relevant to the user's interests, demographics, history, or behavior in the system and may be automatically chosen by an algorithm (such as a filter). (See Ullman, p. 4, par. [0041]). However, the Ullman system merely fetches personalized URL's to display Web content simultaneously with video. (See Ullman, p. 5, par. [0051], [0054]).

Independent claim 1 recites,

a controller within the local broadcast facility capable of receiving a first datacast stream transmitted by said television broadcast system and detecting therein a plurality of datacast blocks, wherein said controller employs a first content parameter associated with a first one of said datacast blocks with at least one subscriber-specific parameter associated with said data storage apparatus and wherein said controller, in response to a determination that said first content parameter matches said at least one subscriber-specific parameter, stores said first datacast block in said storage medium.

Ullman is silent with respect to the storage of data and relates only to the filtering of URLs based on specific user profiles. The URLs are filtered at the broadcast facility and then sent from the broadcast facility to the end user. As stated above, the filtering of an item to be sent from the local broadcast facility is not the same as the filtering of an item prior to being stored in the broadcast facility. Therefore, Applicant submits that Ullman does not teach or suggest the above recitation of claim 1. Applicant further submits that claim 1 is allowable for at least the same reasons stated above with respect to claim 9. Because claims 2-8 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

Claims 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Motorola in view of Harriman. (See 03/03/08 Office Action, p. 7).

Claims 17-20 have been cancelled; as such the 103(a) rejections should be withdrawn.

CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: May 30, 2008

By: 

Michael Marcin (Reg. No. 48,198)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Phone: 212-619-6000
Fax: 212-619-0276